CARRIERS—LIMITATION OF CARRIER'S LIABILITY FOR LOSS OF BAGGAGE.—NEW YORK CENTRAL & HUDSON R. R. Co. v. BEAHAM (1916) 37 SUP. CT. REP. 43.—An interstate passenger purchased a ticket on the face of which was printed the condition limiting the liability for baggage to $100 unless an excess charge was paid for any valuation over that amount. The ticket was presented at the baggage department and a trunk check containing the same conditions was received. The trunk was lost and the passenger sued to recover its reasonable value, disclaiming any knowledge of the condition. *Held,* that the acceptance and use of the ticket established *prima facie* an assent to the terms printed thereon, and that mere failure by the passenger to read the ticket could not overcome the presumption of assent.

As a matter of public policy it has generally been held that a carrier cannot by agreement with the passenger free itself absolutely from its common-law liability for negligence. *Brown v. Eastern R. Co.* (1853) 11 Cush. (Mass.) 97; *Saunders v. Southern R. Co.* (1904) 128 Fed. 15; *Buckland v. Adams Exp. Co.* (1867) 97 Mass. 124. But for a carrier to fix charges in proportion to the value of the property is quite as reasonable as to make the rate depend upon the character of the shipment. *In the Matter of Released Rates* (1908) 13 I. C. C. Rep. 550; *N. Y. C. & H. R. R. Co. v. Fraloff* (1880) 100 U. S. 24; *Kansas City So. R. Co. v. Carl* (1912) 227 U. S. 391. A shipper's assent to the limitation on the carrier's liability is presumed where the limitation appears in the terms of the ticket or check, or in the published rates. *Adams Exp. Co. v. Croninger* (1912) 226 U. S. 491; *B. & M. R. Co. v. Hooker* (1913) 233 U. S. 97; *Aiken v. Wabash R. Co.* (1899) 80 Mo. App. 8; *cf.* Cal. Civil Code (1901) sec. 2176. The limitation on the carrier's liability is valid because the lower valuation by the passenger is made for the purpose of obtaining the lower of two rates. *Hart v. Pa. R. Co.* (1881) 112 U. S. 337; *Mo. K. & T. R. Co. v. Harriman* (1912) 227 U. S. 657; *Adams Exp. Co. v. Croninger, supra.* It seems just that a shipper should not be allowed to reap the benefit if no loss occurs, and to repudiate the transaction in the event of loss A limitation based on an agreed value for the purpose of adjusting rates cannot be said to conflict with public policy.

R. L. S.

CARRIERS—PLACE OF DELIVERY—REBATE.—NEW YORK CENT. & H. R. R. Co. v. GENERAL ELECTRIC Co. (1916) 144 N. E. (N. Y.) 115.—Defendant's plant covered 180 acres, and contained an elaborate system of privately operated tracks connecting its various buildings. In a suit by plaintiff for freight charges, defendant counterclaimed for allowance for transporting goods over the tracks within its plant. *Held,* that such an allowance would be a rebate under the Interstate Commerce Act.

Before the days of railroads, common carriers were expected to make delivery at the consignee's home or place of business. *Fenner v. Buffalo & State Line R. R.* (1871) 44 N. Y. 505. But with an expansion of commerce and transportation facilities, delivery was expected to be made at freight-houses, or on private side-tracks. Vast development of industrial

plants, like that in the principal case, presents a new phase of the question as to when delivery is completed, and it is difficult to determine where the carrier's duty of delivery ends. It has been held that a common carrier is not bound to deliver interstate freight on a private side-track. *McNeil v. So. R. R.* (1906) 202 U. S. 543. A railroad is not bound to deliver cars of livestock at a yard operated by a competing company, though directly connected therewith by its own tracks, and the power to make such an order does not exist under the Interstate Commerce Act. *Cent. Stockyards v. L. P. & N. R. R. Co.* (1904) 192 U. S. 568. Tracks privately constructed involving intricate connections between plant buildings are "plant facilities," and a railroad cannot lawfully compensate the consignees for the use of these tracks with the latter's own motive power. Such an allowance would amount to a rebate. *Crane Iron Works v. C. R. R. of N. Y.* (1910) 17 I. C. C. Rep. 514; *General Electric Case* (1908) 14 I. C. C. Rep. 237; *Karl Lumber Co. v. G. Ry. Co.* (1911) 20 I. C. C. Rep. 450. It would seem that the system of tracks operated by the defendants in the principal case, were within the term "plant facility" and, therefore, the company was not only not entitled to compensation from the railroad for hauling freight over them to their various buildings, but such an allowance would have been a rebate under the Interstate Commerce Act.

L. J. N.

CONSTITUTIONAL LAW—AUTOMOBILE REGISTRATION—DISCRIMINATION AGAINST NON-RESIDENT.—KANE V. STATE OF NEW JERSEY (1916) 37 SUP. CT. REP. 30.—The New Jersey automobile laws (1908) provided for the registration of all automobiles driven within the state. The registration fee was $3.00 for machines of less than ten horsepower, $5.00 for those of less than thirty, and $10.00 for those of thirty or more. *Held,* that since the annual fees prescribed were not so large as to be unreasonable, this requirement was valid and not an unconstitutional discrimination against non-residents.

The highways of the state are primarily for public use, and the legislature has regulative control over them. *White Oak Coal Co. v. Manchester* (1909) 109 Va. 749. In the exercise of this power, the legislature may provide for the registration of vehicles and the payment of fees therefor. *People v. Schneider* (1905) 139 Mich. 673; *Buffalo v. Lewis* (1908) 192 N. Y. 193. The registration is a police regulation, partly for the purpose of identification. *Allen v. Smith* (1912) 84 Oh. St. 283; *State v. Mayo* (1909) 106 Me. 62. A reasonable fee is a license fee, not a tax. *Commonwealth v. Boyd* (1905) 188 Mass. 79. It follows that the constitutional requirements of uniform taxation do not apply. *In re Kessler* (1915) 26 Idaho, 764. The fees may be graded according to horse power instead of being *ad valorem. Matter of Schuler* (1914) 167 Cal. 282; *Bozeman v. State* (1913) 7 Ala. App. 151. Where the fee is reasonable in amount, it does not become a tax merely because a portion of the fund so raised is used to maintain and police the highways. *Jackson v. Neff* (1912) 64 Fla. 326; *In re William Hoffert* (1914) 34 S. D. 271; but see *Vernon v. Sec'y of State* (1914) 179 Mich 157. Where non-residents are compelled to observe the same regulations as residents, there is